Case 1:24-cv-01054-JLS

Document 1

Filed 10/30/24

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WESTERN DISTRICT OF NOT

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT (Non-Prisoner Context)

24 CV 1054 JLS

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.
Randall A. Barber
-VS-
B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.
1. Darrelt Klyte 4. Kevin C. Burleson 2. John R. Searles 5. Cortney Spittler 3. Cattaraugus County Board 6.
2. John OK, Searles 5. Coriney Spiller
of Elections
2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT All of these sections MUST be answered
Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.
A. Basis of Jurisdiction in Federal Court: The defendants have violated my Civil rights
Election and the appeal of Filed in response to their or lained clenice State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides
in the 17 westernmost counties of New York State.
B. Reason for Venue in the Western District: The Wiolations took place in Cattarange County which is within the Western District Carts priselict;
Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.
C. Nature of Suit: Civil rights and violation of federal election la
,

3. PARTIES TO THIS ACTION
PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.
Name of First Plaintiff: Randall A. Berber
Present Address: 3918 Hardscrabble Rd.
BANDOUSH, N.Y. 14772
Name of Second Plaintiff:
Present Address:
DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.
Name of First Defendant: Darrell Klute
Official Position of Defendant (if relevant): Cattaragus County Clerk Address of Defendant: 303 Court Street
Address of Defendant: 303 Court Street
Little Valley, N.K 14755
Name of Second Defendant: John R. Searles
Official Position of Defendant (if relevant): County Administrator Records Cippeals Official Position of Defendant (if relevant):
Address of Defendant: 303 Court Street
Little Valley, NK. 14755
Name of Third Defendant: Cattaraugus County Board of Elections
Official Position of Defendant (if relevant):
Address of Defendant: 207 Rock City Street Little Valley, NY. 14755
Little Valley, NY. 14755
4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes No
If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.
1. Name(s) of the parties to this other lawsuit:
Plaintiff(s):

3. PARTIES TO THIS ACTION
PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.
Name of First Plaintiff:
Present Address:
Name of Second Plaintiff:
Present Address:
DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper. Name of First Defendant: Kevin Burleson
Official Position of Defendant (if relevant): Democrat Claction Commissions
Address of Defendant: 207 Rock City Street
Address of Defendant: Little Valley, N. 14755
Name of Second Defendant: Costney Spittler Official Position of Defendant (if relevant): Ropublican Election Commissions
Official Position of Defendant (if relevant): Republican Election Commissiones
Address of Defendant: 201 Rock City Street
Little Valley, N.Y. 14755
Name of Third Defendant:
Official Position of Defendant (if relevant):
Address of Defendant:
4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes No
If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.
1. Name(s) of the parties to this other lawsuit:
Plaintiff(s):

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Docket or Index Number: Name of Judge to whom case was assigned: The approximate date the action was filed: What was the disposition of the case? Is it still pending? Yes No If not, give the approximate date it was resolved. Disposition (check those statements which apply): Dismissed (check the statement which indicates why it was dismissed): By court sua sponte as frivolous, malicious or for failing to state a claim upon which relief can be granted; By court frailure to prosecute, pay filing fee or otherwise respond to a court order; By court due to your voluntary withdrawal of claim; Judgment upon motion or after trial entered for plaintiff defendant. 5. STATEMENT OF CLAIM e note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which elieve support each of your claims. In other words, just tell the story of what happened and do not use legal jargen. C.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader in do to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify ture of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995) C.Civ.P. 10(b) states that "[a]ll averments of claim shall be made in numbered paragraphs, the contents of each o shall be limited as far a practicable to a single set of circumstances." RST CLAIM: On (date of the incident)	Docket or Index Number: Name of Judge to whom case was assigned: The approximate date the action was filed: What was the disposition of the case? Is it still pending? Yes No If not, give the approximate date it was resolved. Disposition (check those statements which apply): Dismissed (check the statement which indicates why it was dismissed): By court sua sponte as frivolous, malicious or for failing to state a claim upon which relief can be granted; By court for alliume to prosecute, pay filing fee or otherwise respond to a court order; By court order; By court order with the ground of the facts which t	Court (if feder	al court, name the district; if state court, name the county):
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shall be limited as far a practicable to a single set of circumstances." RST CLAIM: On (date of the incident) Dane	ST CLAIM: On (date of the incident) Barrel Klobe September 27, 203	to relief." "The which will enab	e function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice le the adverse party to answer and prepare for trial, allow the application of res judicata, and identify
		RST CLAIM:	On (date of the incident) Darroll Klots. September 27, 202
dutte (Life the mane with the position new of even welcomment in other in the method	nt (give the name and (ij relevani) the position neta of each defendant involved in this incident)		me and (if relevant) the position held of each defendant involved in this incident)

Case 1:24-cv-01054-JLS Document 1 Filed 10/30/24 Page 5 of 7

did the following to me (briefly state what each defendant named above did): U solated my Civil rights and federal law by denying my foil request to obtain the 2022 General Election Cast Vote Records
The federal basis for this claim is: Have law Section 301.a. 2 National Institute of Standards and Technology State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes: Seeking a declaratory judgement
B. SECOND CLAIM: On (date of the incident) Oct. 9,2024 defendant (give the name and (if relevant) position held of each defendant involved in this incident) John R. Searles, Cattaraygus County Bourd of Electrons Kevin Burleson, Cortney Spittler did the following to me (briefly state what each defendant named above did): Denied my Second submission with attetchment and appeal to provide me with the 2022 General Electron cast Uote Records Violating my civil rights and Federal law.
The federal basis for this claim is: Have law section 301.a. 2 National Institute of Standards and Technology State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes: Seeking a declaratory judgement If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

	by you in each statement of claim above. Laratory judgement
<i>d</i>	
Do you want a jury trial? Yes No	
I declare under penalty of perjury that the for Executed on	oregoing is true and correct.
NOTE: Each plaintiff must sign this complaint and must	t also sign all subsequent papers filed with the Court.
	Signature(s) of Plaintiff(s)
	Swarn to began me
	Swan to began me Or 10/30/2024
	Charles March

Jacquelyn A. Learn #01LE5013013 Notary Public, State of New York Qualified in Cattaraugus County Commission Expires 2/15/2027 JS 44 (Rev. 10/20)

Case 1:24-cv-01054 CIVIL COVER SHEET 10/30/24 4 Page $\sqrt[7]{0}$ 5 4

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS				DEFENDANTS Darrell Klute, John R. Sagr							
Gandall	11 A. Barber Cattaraygus County Board of Clastians								. 297		
				Cattarangus County Board of Elections, Kevin Burkson, Cortacy Spitt kr							
(b) County of Residence of First Listed Plaintiff (a) (a) (b) (c) County of Residence of First Listed Defendant (a) (a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c											
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(c) Attorneys (Firm Name,	Address, and Telephone Numb	er)		Attorneys (If K	nown)		116	OCT 3 0 2024			
							11	001 30	11		
II. BASIS OF JURISD	ICTION (Place an "X" in	One Box Only)	III. CI	TIZENSHIP C	F PR	INCIPA	L PARTIES	(Place an "X" in	One Box fo	or Plaintiff	
1 U.S. Government	▼3 Federal Question			(For Diversity Cases				and One Box for			
Plaintiff	(U.S. Government	Not a Party)	Citize	n of This State	⊠1		Incorporated or Pr		4	₩ 4	
							of Business In T	This State			
2 U.S. Government Defendant	4 Diversity	hip of Parties in Item III)	Citize	n of Another State	_ 2	_ 2	Incorporated and I of Business In A		<u> </u>	5	
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TII. RELATED CASE IF ANY	(See instructions):	HIDOE .				DOGE	TT NT IN COURS				
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